

**ARTICLE #**  
(Two-thirds vote)

**AMEND ZONING BYLAW – PUBLIC ACQUISITION**

To see if the Town will vote to amend the Zoning Bylaw Section 8.8 – Public Acquisition, by deleting Section 8.8 and replacing it with a new subsection as follows:

- 8.8 Public Acquisition – If the area, FRONTAGE, width or other dimensions of a LOT, parcel or TRACT OF LAND is altered by a taking or acquisition of part of such land by the Town of Acton or the Water Supply District of Acton for public purposes, no such LOT, parcel or TRACT OF LAND nor any existing USE, BUILDING or STRUCTURE located on, or dependent upon the existing area or other dimensions of such LOT, parcel or TRACT OF LAND for compliance with the requirements of this Zoning Bylaw, shall be rendered non-compliant, nonconforming, or more nonconforming solely by reason of such taking or acquisition.

*[Note: Section 8.8 currently reads:*

*Public Acquisition – If the area, FRONTAGE, width or other dimensions of a LOT, parcel or TRACT OF LAND is decreased by a taking or acquisition of part of such land by the Town of Acton or the Water Supply District of Acton for public purposes, no existing USE, BUILDING or STRUCTURE located on, or dependent upon the existing area or other dimensions of such LOT, parcel or TRACT OF LAND for compliance with the requirements of this Zoning Bylaw, shall be rendered non-complying solely by reason of such taking or acquisition.]*

, or take any other action relative thereto.

**SUMMARY**

Section 8.8 of the Zoning Bylaw offers certain protections for zoning compliance to land, land uses and structures following a public acquisition or taking. This article clarifies the original intent of this section and extends the protections so that after and as a result of a public acquisition or taking the affected properties or uses will be deemed to (1) retain their prior status with respect to zoning compliance, (2) retain their prior zoning conformance status, and (3) not have any existing nonconformities increased. A non-compliant property or use constitutes a violation of the Zoning Bylaw. A lawful nonconforming use or property may continue, but any changes or expansions, or increases in nonconformity, are either prohibited or subject to special permits, which may be granted or denied.

Direct inquiries to: Roland Bartl, Planning Director: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 929-6631  
Selectman assigned:

**Recommendations:**      **Board of Selectmen**      **Finance Committee**      **Planning Board**

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